

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

ERIC TABARO NSHIMIYE,
a/k/a Eric Tabaro Nshimiyimana,

Defendant

Crim. No. 24-cr-10071-FDS

JOINT STATUS REPORT AND MOTION FOR EXCLUSION OF TIME

The United States of America and the defendant, through counsel, hereby submit this joint status report. An interim status conference is currently schedule for July 11, 2025, at 10:30 a.m. The parties jointly request that this interim status conference be treated as a final status conference, and that this matter be transferred to the District Court for an initial pretrial conference in accordance with Local Rule 116.5(c)(2).

Status of Discovery – Local Rule 116.5(c)(2)(A) & (B) – Discovery in this matter is substantially complete. As stated in the parties’ joint filing dated May 27, 2025, the government agreed to seek (on the defendant’s behalf) travel records from the governments of Rwanda and Kenya through the Department of Homeland Security’s embassy and police contacts. ECF No. 97. The government of Rwanda recently notified the government that it has no records responsive to the defendant’s request. The government of Kenya request is still outstanding. Aside from any responsive materials produced by the government of Kenya and documents from related cases in the government’s possession previously reviewed and identified by the defense, the government does not anticipate producing any additional discovery, nor does the defense anticipate requesting any additional materials from the government.

Rule 12(b) Motions – Local Rule 116.5(c)(2)(C) – The defense anticipates that it may file a motion to suppress statements made by Nshimiye to law enforcement on March 11, 2024, at his previous place of employment. It also anticipates making a motion to dismiss based on due process issues. The defense agrees to file such motions on or before September 8, 2025.

Periods of Excludable Delay – Local Rule 116.5(c)(2)(D) – The defendant’s initial appearance in the District of Massachusetts occurred on April 30, 2024. All time between the initial appearance and July 11, 2025, has been excluded by order of the court. *See* ECF Nos. 39, 40, 48, 51, 54, 60, 73, 76, 91, and 102.

The Estimated Number of Trial Days – Local Rule 116.5(c)(2)(E) – The parties anticipate the trial – including any defense case – will last approximately three weeks (fifteen trial days).

Other Matters – Local Rule 116.5(c)(3) – The defendant’s Motion to Revoke Pretrial Detention Order and for Admission to Bail Based on Due-Process Concerns (ECF No. 95) and the government opposition (ECF No. 103) are pending before the court. Defendant’s appeal of the court’s decision granting in part and denying in part defendant’s Motion to Appoint Counsel is also pending. ECF No. 105. The defendant’s Motion for Leave to File Partially Redacted Objections and Partial Appeal to the Magistrate Judge’s April 4, 2025 Order (ECF No. 104) is likewise pending.

Wherefore, the parties respectfully request that the July 11, 2025, status conference be cancelled and that the court enter an order transferring this matter to the District Court for a pretrial conference. The parties further request that the time between July 11, 2025, and the initial pretrial conference be excluded from the speedy trial clock as it constitutes “the reasonable time necessary

for effective preparation, taking into account the exercise of due diligence,” and because the ends of justice served by excluding this time period outweigh the public and defendant’s interest in a speedy trial. *See* 18 U.S.C. §§ 3161(h)(7)(A) & (B)(iv).

Respectfully submitted,

ERIC TABARO NSHIMIYE,
Defendant

LEAH B. FOLEY,
United States Attorney

By: s/ Maksim Nemtsev
Maksim Nemtsev
Kurt P. Kerns
Counsel to Eric Tabaro Nshimiye

By: /s/ Jason A. Casey
Jason A. Casey
Christopher Looney
Assistant United States Attorneys

Dated: July 8, 2025

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Jason A. Casey
Jason A. Casey
Assistant United States Attorney